

The Gazette of India



EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY



No. 21] NEW DELHI, FRIDAY, JULY 26, 1957/SRAVANA 4, 1879

LOK SABHA

The following Bills were introduced in Lok Sabha on 26th July, 1957:—

BILL NO. 26 OF 1957

A Bill to provide for the registration of Sadhus and Sanyasis in India.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Sadhus and Sanyasis (Registration) Act, 19

Short title,
extent and
commence-
ment,

5 (2) It extends to whole of India.

(3) It shall come into force at once.

2. In this Act unless the context otherwise requires,—

Definitions.

10 (1) "authority" means the District Magistrate for the area in which the *sadhu* or *sanyasi* resides or the head of the order to which a *sadhu* or a *sanyasi* belongs to at the time of his initiation.

(2) "prescribed" means prescribed by rules made by the authority.

15 (3) "*sadhu*" or "*sanyasi*" includes a person who professes to belong to any religious institution or order or *Mutt* established or maintained for the preservation and promotion of the tenets or traditions of any Hindu religious denomination or any section thereof.

registration
of sadhus
and sanyasis.

3. (1) Nobody shall style or proclaim himself as a *sadhu* or *sanyasi* unless he is duly registered and has obtained on application, certificate from the authority.

(2) Any person on becoming a *sadhu* or a *sanyasi* shall get himself registered before the authority and obtain a certificate. 5

(3) The authority shall maintain a register in the prescribed form setting forth the following particulars concerning the *sadhu* or *sanyasi*:

- (a) his name before and after initiation;
- (b) his age, sex and religion; 10
- (c) his place of domicile;
- (d) his occupation and means of livelihood before and after initiation;
- (e) place and date of his initiation; and
- (f) name of the institution, order or *Mutt* to which he belongs 15
after his initiation.

(4) The authority shall publish annually a list of all *sadhus* and *sanyasis* in such manner as may be prescribed.

application
for obtaining
certificate.

4. (1) An application for registration as a *sadhu* or *sanyasi* for obtaining a certificate under section 3 shall be made in writing to 20 the authority in such form and containing such particulars as may be prescribed.

(2) On receipt of an application made under sub-section (1), the authority may, after making such inquiry as may be considered necessary, grant a certificate in the prescribed form, subject to 25 such terms and conditions as it may think fit to impose. The authority may, for reasons to be recorded in writing, refuse to grant the certificate to any person.

(3) A certificate granted under sub-section (2) shall remain in force for ten years unless it is renewed, suspended, or cancelled by 30 the authority. The authority may suspend or cancel a certificate if it is satisfied that the *sadhu* or *sanyasi* is living an immoral life or indulges in such activities as are dangerous to peace, or is no longer a member of any religious institution or order or *Mutt* to which he belongs. 35

5. (1) Any person, or a *sadhu*, or a *sanyasi* who contravenes, or Penalty.
abets the contravention of the provisions of sections 3 and 4 shall be
punishable with fine which may extend to five hundred rupees, and
imprisonment for a term which may extend to two years or with
5 both.

(2) Any *sadhu* or *sanyasi* who contravenes any of the terms and
conditions of licence granted under the provisions of this Act shall
be punishable with fine which may extend to five hundred rupees,
in addition to the cancellation of his licence.

10 6. The provisions of this Act shall not apply to any such order Exemption,
of *sadhus* or *sanyasis* which may be exempted on satisfactory
grounds by a notification issued in the official Gazette by the
Central Government from time to time.

STATEMENT OF OBJECTS AND REASONS

In our country the number of *sadhus* and *sanyasis* is increasing day by day. In the guise of saintly order most of them indulge in vices, begging and other anti-social acts, which is undesirable and which, if not checked, will help the crime incidence to increase unabated.

The Bill will in the first instance help to have their exact number by maintaining an all-India Register.

It will also save the saintly order from infamy and unnecessary exploitation. It will also help Government in the detection of many crimes in which so-called *sadhus* or *sanyasis* have a hand.

Hence this Bill.

NEW DELHI;

RADHA RAMAN.

The 11th May, 1957.

BILL NO. 45 OF 1957

A Bill to provide for punishment of persons guilty of molesting women.

BE it enacted by Parliament in the Eighth year of the Republic of India as follows:—

(1) This Act may be called the Punishment for Molestation of Women Act 19

Short title,
extent and
commence-
ment,

5 (2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. "Molestation" includes, indecent behaviour towards a woman, Definition,
assault or criminal force with intent to outrage her modesty, kid-
10 napping, abduction, procuration or importation or wrongful con-
finement of a woman for an immoral purpose.

3. Notwithstanding anything contained in any Act in force for
the time being whoever molests any woman or abets the act of
molestation shall be punished with imprisonment for a term which
15 may extend to fifteen years or with fine which may extend to ten
thousand rupees.

STATEMENT OF OBJECTS AND REASONS

The crime relating to molestation of women is on increase. The Bill is intended to punish the offenders who indulge in inhuman and indecent assaults on women. The punishment prescribed by the Indian Penal Code is far from adequate. The Bill therefore provides for a deterrent punishment with a view to check the increasing social menace. Hence this Bill.

NEW DELHI;
The 11th May, 1957.

RADHA RAMAN.

BILL No. 28 OF 1957.

A Bill further to amend the Factories Act, 1948.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Factories (Amendment) Act, 1957. short title
and com-
mencement.

5 (2) It shall come into force at once

2. In section 51 of the Factories Act, 1948 (hereinafter referred to as the principal Act), for the words "forty-eight hours" the words "forty-four hours" shall be substituted. Amendment
of section
51.

3. In section 54 of the principal Act, for words "nine hours" the words "eight hours" shall be substituted. Amendment
of section
54.

4. In sub-section (1) of section 59 of the principal Act,— Amendment
of section

(i) for the words "nine hours" the words "eight hours" shall be substituted; and

(ii) for the words "forty-eight hours" the words "forty-four hours" shall be substituted.

15

STATEMENT OF OBJECTS AND REASONS

In several advanced countries, the hours of work for industrial workers have now been reduced from 48 hours to 44 hours, or even less. The workers in those countries are now demanding a 40-hour week. This demand arises primarily because of the intensification of work that has been introduced in almost all industries, causing excessive exertion.

This amendment to the Factories Act, 1948 seeks to reduce the hours of work from 48 hours in the week to 44 hours a week in all factories.

V. P. NAYAR.

NEW DELHI;

The 15th May, 1957.

BILL No. 29 OF 1957

A Bill to introduce a uniform system of national and festival paid holidays for all industrial workers.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the National and Festival Paid Holidays Short title.
Act, 19

5 2. In this Act,—

Definitions.

(i) "Adjusted holidays" means five holidays in a calendar year which the appropriate Government shall declare as such to suit sectional, regional or local festivals as the case may be.

Explanation.—Adjusted holidays with regard to Central undertakings situate in States shall be the holidays declared as such by
10 the respective State Governments.

(ii) "Appropriate Government" means in relation to national and festival holidays given in the schedule, both the Central and the State Governments.

15 (iii) "Declared holidays" means ten paid national and festival holidays specified in the schedule to be observed throughout India on the dates notified by the Central Government.

XIV of 1947. (iv) "Industry" shall have the meaning assigned to it in the Industrial Disputes Act, 1947.

20 (v) "Notified in the prescribed manner" means issue of notification in the Official Gazette not less than three months before the commencement of each year.

- Provision for paid holidays** 3. Every worker or employee in any industry shall be allowed during each calendar year he is in service, not less than fifteen national and festival paid-holidays.
- Notification of declared and adjusted holidays.** 4. The Appropriate Government shall notify in the prescribed 5 manner the dates of the declared holidays and the names and dates of adjusted holidays.
- Savings.** 5. The provisions of this Act shall not adversely affect any worker or employee who enjoys by convention, agreement, awards or any other reason, more than fifteen paid national and festival holidays provided in this Act. 10

THE SCHEDULE

[Vide Section 2(ii) and (iii)]

List of declared holidays

New Year's Day

Republic Day.

Maha Sheoratri.

May Day.

Id-ul-fittar.

Independence Day.

Moharram

Gandhi Jayanti.

Diwali.

Christmas Day.

STATEMENT OF OBJECTS AND REASONS

The number of paid national and festival holidays in industrial undertakings at present varies from State to State, industry to industry and even from establishment to establishment. The existing practice in the absence of any legislation shows a marked variation in the matter of paid holidays. In some cases no paid national and festival holidays are granted at all. In others these are adjusted against other holidays. Among the establishments that allow paid holidays the range of variation is from 2 to 27. For healthy industrial relations it is necessary to fix some reasonable and uniform standard. At present the question of paid festival and national holidays also gives rise to industrial disputes.

The Bill seeks to remedy this by fixing a minimum limit of 15 paid national and festival holidays in a calendar year. The Bill also seeks to provide paid holidays for important national and festival days of an all-India character uniformly throughout India by specifying ten such days. Since in our country there are many important festival days of sectional, regional or local interests the State Governments have been empowered to specify such days.

The Bill also specifies that workers who enjoy paid national and festival holidays more than the above minimum limit of 15 days by conventions, agreements, awards, etc., shall not be adversely affected by this.

P. K. KODIYAN.

NEW DELHI;

The 17th May, 1957.

BILL No. 33 OF 1957

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Eighth year of the Republic of India as follows:—

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 19

5 2. In clause (c) of sub-section (1) of Section 60 of the Code of Civil Procedure 1908, before the words "Houses and other buildings" the words "Agricultural lands under agriculture upto twenty-five acres," shall be added.

Amendment
of section
60.

STATEMENT OF OBJECTS AND REASONS

The present trend of the society is that landless persons should be given land for cultivation and hence it is undesirable to deprive cultivators of their lands and make them landless. Section 60 of the Code of Civil Procedure 1908 exempts from attachment and sale certain properties of agriculturists and as land is the main source of their livelihood, protection requires to be given to them by exempting their lands upto twenty-five acres from attachment and sale.

PURUSHOTTAMDAS R. PATEL.

NEW DELHI;
The 21st May, 1957.

BILL No. 42 OF 1957

A Bill further to amend the Indian Arms Act, 1878.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Indian Arms (Amendment) Act, Short title.
19

Act XI of 5
1878.

2. In section 4 of the Indian Arms Act, 1878,—

Amendment
of section 4

(a) for the definition of “arms” the following shall be substituted, namely:—

10 “arms” includes fire-arms, bayonets, cannon and parts of arms, and machinery for manufacturing arms but does not include muzzle-loading guns, swords, daggers, spears, spear-heads and bows and arrows; and

(b) in the definition of “ammunition”,—

(i) the words “percussion caps” shall be omitted; and

15 (ii) the words “and ammunition required for muzzle-loading guns”, shall be added at the end.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to exempt muzzle-loading guns, swords, daggers and certain other weapons from the operation of the Indian Arms Act, 1878. These weapons are generally used by agriculturists to protect their crops and when necessary to protect and defend themselves from attacks of wild animals as they have to stay at night in fields.

2. As the Bill seeks to exempt muzzle-loading guns from the operation of the Indian Arms Act, 1878, the ammunition required to use such guns also needs exemption. Necessary provision has accordingly been made in the Bill.

NEW DELHI;
21st May, 1957.

PURUSHOTTAMDAS R. PATEL.

BILL No. 36 OF 1957

A Bill further to amend the Code of Civil Procedure, 1908.

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 19.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the President may, by notification in the Official Gazette, appoint in this behalf.

2. Section 87B of the Code of Civil Procedure, 1908, shall be omitted.

Omission of
section 87B.

STATEMENT OF OBJECTS AND REASONS

Before the attainment of Independence there were in India a large number of States. The rulers of these States were given immunity from civil proceedings in Indian Courts and they were treated on the same basis as aliens or foreign rulers.

The Code of Civil Procedure as it stood before the independence contained provisions for this purpose in Sections 83 to 87, under the heading "Suits by Aliens and by or against Foreign Rulers and Rulers of Indian States".

Subsequently the Code of Civil Procedure (Amendment) Act (II of 1951) was passed and the former Sections 83 to 87 were substituted by Section 12 of that Act as the present Sections 83 to 87B. By this amendment Aliens, Foreign Rulers, Ambassadors and Envoys were put in one category and provisions in respect of them were embodied in the new Sections 83 to 87A and these Sections were placed under the heading "Suits by Aliens and by or against Foreign Rulers, Ambassadors and Envoys".

Rulers of former Indian States were put under a different category and provisions in respect of them were made in the new Section 87B. By this Section 87B the provisions of the new Section 85 and sub-sections 1 and 3 of Section 86 were made applicable to the former rulers of Indian States as if they were Rulers of Foreign States.

All these rulers of former Indian States enjoy large private properties and some of them carry on business. They are in full enjoyment of the rights and privileges of a citizen and they must be subjected to the liabilities and duties of a citizen. Equality before law being one of the fundamental principles of our Constitution this special immunity from the processes of the civil law of the land is not warranted. This Bill is intended to remove this anomaly by deleting Section 87B and placing the rulers of former Indian States on a par with the rest of the citizens of India before the civil law of the land.

NEW DELHI;
The 17th June, 1957.

M. L. DWIVEDI.

BILL No. 41 OF 1957

A Bill to provide for building up an up-to-date and a comprehensive Library for Parliament.

WHEREAS it is necessary, for building up an up-to-date and a comprehensive Library for the Parliament of India, to make arrangements to secure copies of every book, publication, periodical, etc., including maps, illustrations, photographs printed, lithographed, or photographed, in any language, in any part of the Union of India;

BE it enacted by Parliament in the Eighth year of the Republic of India as follows:—

1. (1) This Act may be called the Parliament Library Act, 19
- 10 (2) It extends to the whole of India, except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the President may by order appoint.
2. In this Act, unless the context otherwise requires,—
- 15 (a) "author" includes the writer, composer, compiler, annotator, commentator, or editor of a book, paper, periodical, or publication, or a cartoonist, or illustrator, draftsman, painter, and any other person whose work is included in the form of writing, annotation, compilation, editing, drawing, illustration, cartoon, map, or such like material, in a book or published
- 20 separately;

Short title,
extent and
commence-
ment.

Definitions.

(b) "book" includes any work in writing, paper, periodical, pamphlet, or publication, printed and published or lithographed, whether offered for sale or otherwise; and every part or division of a book, pamphlet, sheet of letter press, sheet of music, map, plan, drawing, illustration, cartoon, graph, chart, or table, separately published, but shall not include any second or subsequent edition of a book, unless such edition contains additions, annotations, or alterations, either in the letter press or in the maps, prints, or other engravings, belonging thereto, or is an abridgement of that book;

(c) "composer" means the composer of a musical work or of musical notation, or dance choreograph;

(d) "library" means library attached to the Parliament of India;

(e) "printer" means the proprietor or manager of a printing press, where the copies of a book are multiplied, and who is registered as the keeper of such a printing press;

(f) "publisher" means any person, firm, or company, carrying on business as publisher of books, and declared in any book to be publisher thereof.

Explanation.

(a) If in any case there is more than one person contributing to the making of a book in its several parts of writing, commentary, or illustrations, etc., separately, the term "author" shall mean those composing and providing the actual thought and material contained in that book, whether published or otherwise; while those who have supplied the commentary, illustration, or annotation or editing shall be distinguished from the author, by the addition of an appropriate term giving the proper designation and contribution of each such contributor.

(b) Where there is more than one person jointly concerned in writing, or providing the actual thought and material contained in a book, they shall be known as joint authors.

(c) For the purpose of this section the expression "author", "printer", "publisher" and "composer" includes the heirs, assignees or the legal representatives of a deceased author, printer, publisher or composer, respectively.

(d) Where in any case the same person acts as author, printer or publisher, or combines in himself more than one of these capacities, his responsibilities under this Act shall be the same as that of all of them jointly and each severally.

3. (1) The publisher etc. of every book printed, lithographed, or photographed, and published in any State in the Union of India, shall, after this Act comes into force, furnish, at his own expense, within one calendar month of the date of such printing, lithographing, photographing or publishing, to the Secretary to the House of the People who shall give, or cause to be given, a written receipt for the same, three copies of each such book or work printed, photographed, lithographed and published in any language, in any part of the Union of India for use in the library.
- (2) The copies so delivered under sub-section (1) to the Secretary to the House of the People shall be complete copies of the entire book, including all maps, charts, graphs, tables, notes, illustrations, sketches, drawings, wood-cuts, or photogravures included therein, printed on and stitched or sewn, and bound and got up in the best paper in the same manner as the best copies of the book published:
- Provided that in the case of any book of which only a number of copies have been printed on superior paper and sewn or stitched and bound in a better manner and material, whether for presentation or for sale at a price higher than that charged for the ordinary edition, the copies required to be so furnished under this section shall be of the better or superior edition.
4. Without prejudice to any rights or privileges of the Government of India or the Government of a State, the provisions of this Act shall also be applicable to any work which has been prepared or published by or under the direction or control of any Government department.
5. If the Publisher fails to comply with the provisions of this Act, he shall be liable on summary conviction to a fine not exceeding rupees one hundred in respect of each book, or each demand by the Secretary to the House of the People, in addition to the price of the copies of the book required to be furnished free of cost under this Act; and the fine shall be paid to the Secretary to the House of the People to be kept in a separate reserve fund to be used for the purposes of this Act.
6. Any person affected by an order under section 5 may, within thirty days of the date of such order, appeal to the Court to which appeals from the Court making the order ordinarily lie; and such appellate Court may direct that execution of the order be stayed pending consideration of the appeal.

Copies of Books to be delivered to Secretary to the House of the People.

Application.

Penalty for offences under the Act.

Appeal against the fine.

Court to try
offences
under the
Act.

7. No Court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence against this Act.

Repeals,

8. The provisions of the Indian Copyright Act, 1914 and the Press and Registration of Books Act, 1867 in so far as they relate to the transmission of copies of Books etc., to the British Museum or the Secretary of State are hereby repealed. III of 1914. 5 XXV of 1867.

STATEMENT OF OBJECTS AND REASONS

The most important National Libraries of the world, such as the British Museum, the Congressional Library in the United States, or the Bibliotheque Nationale of France, are built up and kept up-to-date by requiring copies of all books etc., printed and published within the jurisdiction of the countries concerned, to be supplied free of cost to such central institutions, under the authority of some National legislation.

In the United States as well as in Britain the Copyright legislation is utilised to achieve this object.

During the British regime, the Government of India used to require under the terms of the Press and Registration of Books Act, 1867 (XXV of 1867) a certain number of copies of every book, periodical, or publication, printed and published in British India, to be supplied, free of cost, for use in the British Museum. The copies supplied for this purpose were to be of the best bound and getup. If of a book or publication, two editions were printed, one in small number of superior paper and richer binding, for presentation, and the other more numerous on ordinary paper and with ordinary binding and getup for sale in the market, only copies from the superior edition were to be supplied under that legislation. Pains and penalties were attached in regard to failure to comply with this legislation. There is no reason why that legislation should operate now, if it is still in force.

This Bill accordingly proposes to secure, for the use of the Library of Parliament, one copy at least of every book, or publication printed in India in any Indian or foreign language. The Library of Parliament, should contain all available material for every problem that may engage the attention of Parliament. It should in fact, be co-extensive with the problems of the entire public and private life in the country in all its aspects and phases.

DIWAN CHAND SHARMA.

NEW DELHI;

The 21st June, 1957.

BILL NO. 37 OF 1957

A Bill further to amend the Child Marriage Restraint Act, 1929.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Child Marriage Restraint (Amendment) Act, 1957.

Amendment of section 12. 2. In section 12 of the Child Marriage Restraint Act, 1929, sub-~~XIX~~ of 1929, section (2) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of Section 12 of the Child Marriage Restraint Act, 1929 empowers the Court to issue an injunction against any person who contracts a child marriage, or who performs, conducts or directs any child marriage, or who having charge of a minor, does any act to promote the Child Marriage. But sub-section (2) of Section 12 of the Act says that no injunction under sub-section (1) thereof shall be issued against any person unless the Court has previously given notice to such person, and has afforded him an opportunity to show cause against the issue of the injunction. This sub-section practically nullifies the effect of sub-section (1) of section 12 of the Act. Hence the necessity of deleting sub-section (2) of section 12 of the Act. Under sub-section (3) the Court can, either on its own motion or on the application of any person, rescind or alter any order made under sub-section (1) of section 12 of the Act.

So, no injustice is likely to be done to any person against whom an *ex-parte* injunction or order has been passed under sub-section (1) of section 12 of the Act.

NEW DELHI;

DIWAN CHAND SHARMA.

The 21st June, 1957.

BILL No. 38 OF 1957

A Bill further to amend the Prevention of Corruption Act, 1947.

Be it enacted by Parliament in the Eighth year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Prevention of Corruption (Amendment) Act, 19

(2) It extends to the whole of India except the State of Jammu and Kashmir, and it applies also to all citizens of India outside India.

(3) It shall come into force at once.

Insertion of
new section
8.

2. After Section 7 of the Prevention of Corruption Act, 1947, the following new section shall be inserted, namely:—

Procedure
regarding
trials and
enquiries.

“8. Notwithstanding anything contained in any enactment for the time being in force all trials and enquiries under the Act shall be held in a summary way according to the procedure laid down in Chapter XXII of the Code of Criminal Procedure, 1898.

V of 1898.

STATEMENT OF OBJECTS AND REASONS

It is generally felt that much of the intention underlying The Prevention of Corruption Act, 1947 is not being fulfilled because of the delay caused by the process and procedure of law in the trial of offences under that Act. The delay occasioned by these trials not only put the parties to harassment but also to avoidable loss of time and expenditure. The Bill is intended to remove these shortcomings and achieve speedy trials.

NEW DELHI;

JHULAN SINHA, M.P.

The 18th June, 1957.

M. N. KAUL,
Secretary.

